

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SHAWN WYGANT, individually and as
next friend of minor children A.W., J.W.,
G.W., and N.W.; AND A.W., J.W.,
G.W., and N.W., minor children by
Shawn Wygant, next friend,

Plaintiffs,

v.

Case Number 09-11684-BC
Honorable Thomas L. Ludington

MARY STRAND AND MICHIGAN
DEPARTMENT OF HUMAN SERVICES,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING ALL CLAIMS ASSERTED BY PLAINTIFFS A.W., J.W., G.W., AND
N.W. THROUGH SHAWN WYGANT, NEXT FRIEND**

Magistrate Judge Charles E. Binder issued a report and recommendation on November 3, 2009 recommending that all claims brought by minor children A.W., J.W., G.W., and N.W. through their father and next friend Shawn Wygant be dismissed without prejudice. The report and recommendation was served on Plaintiffs the same day, starting the fourteen-day period in which the Plaintiffs could object. 28 U.S.C. § 636. Plaintiff did not file an objection within the required time period. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Nevertheless, the Court agrees with the Magistrate Judge's findings. Parents cannot appear pro se on behalf of their minor children in federal courts. *Shepard v. Wellman*, 313 F.3d 963, 970–71 (6th Cir. 2002).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 9] is **ADOPTED**.

It is further **ORDERED** that all claims asserted by A.W., J.W., G.W., and N.W. though their next friend, Shawn Wygant, are **DISMISSED WITHOUT PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 3, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 3, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS